Item # 2

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

DATE: August 10, 2004

TO: Orange County Planning Commission

FROM: Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA 04-0013 for a Site Development Permit.

PROPOSAL: A Site Development Permit to permit geological analysis to assess the soil properties with regard to future residential development in the "Trabuco Canyon Residential" District (TCR) of the Foothill / Trabuco Specific Plan. The project is identified as Live Oak Canyon Estates by the landowner and is known as the "Lucarelli" property within the Foothill/Trabuco Specific Plan.

LOCATION: 20626 Live Oak Canyon Road, Trabuco Canyon – District 3

APPLICANT: Stonefield Development, Property Owner
Bill Phillips, PBR, Authorized Agent

STAFF CONTACT: John Buzas, (714) 834-5906
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SYNOPSIS: Current Planning Services Division recommends Planning Commission approval of PA 04-0013, subject to findings and conditions.

BACKGROUND:

The project consists of a Site Development Permit to permit geological testing to assess the soil properties with regard to future residential development within property designated as TCR – "Trabuco Canyon Residential" District of the Foothill / Trabuco Specific Plan. The project site, located at 20626 Live Oak Canyon Road, in Trabuco Canyon, is subject to the guidelines and requirements of the Foothill/Trabuco Specific Plan. The Specific Plan was adopted by the Orange County Board of Supervisors on December 9, 1991 as the planning and zoning document for the Foothill/Trabuco area and went into effect January 9, 1992 (County Ordinance No. 3851). A goal of the Plan is to preserve the rural character and unique natural resources of the area, while still allowing landowners a reasonable opportunity to develop their properties. The Specific Plan replaces conventional zoning districts with specific land use districts, which are supported by additional regulations and guidelines.

The project site is approximately 136 acres and lies within the Trabuco Canyon Residential (TCR) District, which requires Planning Commission approval of a discretionary permit for any grading activity, including geological testing as proposed. The subject site is legally described as Parcel 1 of Lot Line Adjustment LLA 1999-034 (Assessor Parcel No. 125-035-33). The property is topographically complex

with a series of coastal sage scrub and chaparral covered slopes and ridges with intervening canyons containing oak woodlands. Minor disturbances on-site consist of a network of firebreaks, dirt access roads, and cattle grazing.

Grading activities within the Foothill/Trabuco Specific Plan (FTSP) area is subject to in-depth analysis for consistency with regulations of the FTSP and environmental impacts. The proposed geotechnical testing will provide an understanding of the site stability and establish design parameters for the Area Plan conceptual grading plan development in concert with the restrictions contained within the policies and regulations of the FTSP.

REFERRAL FOR COMMENT AND PUBLIC NOTICE:
A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to 6 County Divisions, the Foothill Trabuco Specific Plan Review Board and the Rural Canyon Conservation Fund.

On March 12, 2004 the Foothill Trabuco Specific Plan Review Board (FTSPRB) reviewed and recommended approval of the proposed project. Members of the FTSP Review Board held lengthy discussion regarding the application and the site development issues. Following the discussions, the project was recommended for approval with a vote of four in favor and none opposed. Action minutes from the March 12, 2004 meeting (Exhibit 3) are included in the attachments to this report. The recommendation by the Foothill Trabuco Specific Plan Review Board included recommended conditions of approval that are discussed below.

In addition to the condition that would stipulate any material changes to the proposal should be processed through a supplemental application that would be reviewed by the FTSPRB; the review board also raised the issue that a portion of the property has been the subject of controversy over the continuation of cattle grazing. The recommendation of the FTSPRB action requests that a condition of approval be applied to the geotesting site development permit that would require the applicant to develop a remediation plan of the areas affected by cattle grazing; and, the termination of cattle grazing on the property. The recommended action also requests that the remediation for the areas denuded by the grazing be required to commence at the same time the remediation for the geotesting is completed.

The applicant wishes to continue the existing lease of the property for grazing. The applicant has indicated that cattle grazing has continued on the property for over 50 years and predates the adoption of the F/T Specific Plan. County Counsel has examined previous complaints regarding this same issue for the property and has rendered the decision that the cattle grazing that takes place on a portion on the property is a legitimate pre-existing agricultural use. Further, the relocation of horses or cattle or leaving pasture land fallow for more that one year does not necessarily represent a discontinuation of the agricultural use of the property within the meaning of the Zoning Code Section 7-9-151 “Nonconforming Uses and Structures” in the absence of some further indication of the intention of the property owner to abandon the nonconforming use. Staff does not find a nexus between the cattle grazing and the request to perform geotechnical testing over portions of the site. The plans were also provided to Rural Canyon Conservation Fund for review and comment on February 13, 2004.

As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions by staff.

CEQA COMPLIANCE:
The proposed project is covered by Mitigated Negative Declaration (MND) No. PA040013. A separate staff report, dated August 10, 2004, has been prepared and will be presented to your Commission, which focuses solely on the environmental aspects of the proposed project and addresses specific environmental concerns that were raised during the public review and comment period. Following public testimony regard the adequacy of the MND, and prior to project approval, your Commission must certify the MND as adequate to satisfy the requirements of CEQA. A recommended finding to this effect is found the Appendix A of this report.

ANALYSIS:
The proposed geotechnical analysis is to assess the soil properties and stability of the site with regard to future residential development. The current planning application, PA 04-0013, is preceding any technical review of the proposed Area Plan, a conceptual plan of development, filed under Planning Application PA 03-0064 that is currently an incomplete file. The geotechnical analysis is proposed to assist in the systematic engineering of the preliminary design of a conceptual grading plan as a part of the Area Plan that will be subject to detailed review in the future.

Geologic Conditions
Surficial units consisting of minor landslide deposits, topsoil colluvium, and local areas of artificial fill mantle the site. The bedrock unit, which underlies the site, is the Santiago Formation. In general, the borings are proposed in areas of shallow colluvium overlying bedrock and/or landslide debris. The bedrock consists of relatively hard, massive sandstone with occasional silt and weak clay beds. Bedding is anticipated to dip consistently to the west.

Proposed Investigation Plans
Two plans have been prepared to accompany this submittal, the first plan is a 100-scale photograph with a topographic overlay (Exhibit 7), which shows the locations of proposed geotechnical borings, trenches, drill rig pads and access routes. The second plan (Exhibit 6) is a 40-scale rough grading plan of selected areas where grading is necessary to create access roads and drill rig pads. The 40-scale exhibit also includes representative cross-sections of selected cut and fill areas, and a comprehensive erosion and sediment control program. A Geological Investigation Scope of Work is provided as Exhibit 4, and provides details of the grading and investigation activities proposed under this application. A biological assessment prepared by PCR Services Corp. also accompanies the proposal, Exhibit 5, and provides a detailed resource impact analysis of the disturbance associated with the proposed borings, trenches, drill rig pads and access roads.

The proposed investigation includes seventeen (17) large diameter borings (Boring 10 has a proposed alternative site) and ten (10) backhoe trenches. Twelve (12) of the borings are accessible along existing dirt access roads. For these road and drill pad areas, there may be light brushing and filling in of road ruts and potholes. Geofabric will be placed on the ground to cover the existing vegetation where drill hole stockpiles of dirt are proposed in order to minimize the impact to the root zone of existing plants.

There are five (5) borings that require cut and fill grading to improve access roads for the proposed investigation. The cut and fill grading is primarily along the existing fire road on the ridgeline in the southern portion of the site. Only Boring 10 is proposed where a new road would have to be graded. Borings 2, 11, 12, 13 and 14 will also require minor grading to create pad areas for the drill rig, as would the proposed drill rig pad for the alternate Boring 10 location. The earthwork varies for the creation of temporary pad areas for the drill rig from 2 to 4 feet of cut grading and 2 to 6 feet of fill grading.

The depth of cuts for the access roads is estimated to be a maximum of 8 feet and the maximum height of cut slope approximately 10 feet. The maximum estimated fill depth is approximately 10 feet with a maximum fill slope height of 10 feet. The grading plan provides further details of cuts and fills which range from 0 to 5 feet and 6 to 10 feet in depth, along all graded segments of access roads and drill rig pads. Cut slopes are at proposed gradients of up to 1:1. Fill slopes are proposed at a maximum 2:1 gradient. The pad areas for the drill sites will be approximately 15 to 20 feet wide and 50 feet long.

Grading for the access roads and drill rig pads will involve moving approximately 1,390 cubic yards of earth for the geotechnical investigation project. These earthwork quantities are broken down into segments including drill rig pads and access roads, and are summarized on the Grading Plan (Exhibit 6). Most of the earthwork is along the ridgeline where Borings 1 through 3, 9 and 10 are proposed. The proposed cuts will expose relatively hard massive sandstone, which is not highly susceptible to erosion. As added protection during the period immediately after construction and during drilling, all exposed cut and fill slopes, as well as flat road and pad areas will be applied with jute mesh or spray on protectors/surface tackefiers or equivalent to ensure soil retention and protect against erosion.

In addition to the proposed borings, one day of excavating exploratory trenches is proposed. The trenches will be approximately 15 feet long and roughly 30-inches wide. Maximum excavation depth will be approximately 10 feet. Once logging is completed (approximately ½ hour per trench), the trenches will be backfilled with native soils to original grades.

Drilling of borings and construction of access roads is anticipated to begin concurrently. Approximately four (4) weeks are anticipated to complete the proposed investigation. The areas of proposed grading will be restored to their original grades, and it is anticipated to occur once the geotechnical investigation is completed. Reconstruction to original grades can occur as the geotechnical investigation for a particular area is completed and the access road is no longer needed. Therefore, the entire process is anticipated to be completed in approximately 5 weeks.

Impacts to Resources on-site

Exhibit 5 provides a copy of the assessment to biological resources within the project area. In summary, the seventeen (17) proposed boring locations and ten (10) proposed trench locations would impact approximately 0.50 acre of plant communities within the property. Boring and trench location impacts include 0.20 acre of coastal sage scrub communities, 0.24 acre of chaparral communities and 0.05 acre of woodland communities.

The existing access roads are mostly devoid of vegetation. Impacts to plant communities along the existing access roads will include only minor brushing along the edges of roads. Where new roads will require cut and fill grading 0.64 acres of impact are noted. Thus, a total of 1.14 acres of native vegetation will be disturbed by the project. All areas of proposed grading will be restored to the original grade and revegetated with species appropriate to the plant community once the investigation work is completed. A

biological monitor will be present to determine the precise placement of boring and trench locations and ensure the minimization of impacts to sensitive plant and wildlife species.

Potential impacts to oak woodlands have been identified within the biological assessment to occur in the vicinity of mapped oak woodlands. However, direct impacts to individual coast live oak trees are not anticipated. The access roads mapped within the oak woodland plant community on-site are current ranch roads. Similarly, boring and trench locations (B5, B11 and T1) mapped within oak woodlands are at the edges of the woodlands or along current access roads and would avoid direct impact to trees. Boring and trench locations can be modified slightly while in the field during the investigation to ensure the protection of individual oak trees, including their canopy and root zone. A certified arborist will be present during the geotechnical investigation to provide guidance and to ensure the protection of oak trees.

Due to the use of existing ranch roads and the temporary nature of the impacts, the proposed geotechnical investigation is not expected to permanently alter wildlife movement patterns within the project site.

Resource Agency permits
The property is within the Southern Subregional Natural Communities Conservation Plan study area. Therefore, impacts to 0.2 acre of coastal sage scrub communities would be subject to a 4(d) interim habitat loss take permit through the U.S Fish and Wildlife Service and County of Orange. Presence/absence surveys conducted by the biologist in the Spring of 2003 did not detect the presence of the coastal California Gnatcatcher on-site. Spring 2004 surveys detected one pair of gnatcatchers along the northern property boundary. Impacts are not expected to directly impact their territory. The pair was observed north of the locations of B8 and B13. Most of the observations were within offsite areas. In addition to the 4(d) permit, all graded areas will be revegetated with the appropriate coastal sage scrub species.

Access to the proposed boring and trench locations may require two crossings of a jurisdictional drainage. However, an existing ranch road already crosses the drainage in both places. The geotechnical investigation access plan will utilize this road; therefore, no impacts are expected to occur within Army Corp of Engineers, Regional Water Quality Control Board or California Department of Fish and Game jurisdictional areas.

Restoration and Recontouring
Recontouring of all graded areas to original/natural grades according to approximate pre-construction topography will occur immediately upon completion of the geotechnical investigation. Where practical, restoration can occur in areas where drilling has been completed and access roads are no longer needed, and while drilling is occurring in other areas. All areas impacted by grading, including recontoured areas, will be reseeded with native vegetation as soon as practical to reduce the potential erosion of soils.

SUMMARY:
The proposed geological testing is a logical first step in determining the practicality of development potential and limitations of a particular project site. The geological composition of the site is a major factor in determining the locations for roads, building sites, and infrastructure. By completing geological testing and analysis in the earliest stage of the project development, remedial grading limits, limits of project grading, and volumes of grading proposed can be more precisely established parameters in project design. The scope of geological testing as outlined in this report will afford the applicant the information

and analysis to design a project that is fundamentally sound with the geology of the site. Consequently, the subsequent Area Plan preparation will be afforded the ability to provide tested limits of disturbance and greater detail for conceptual grading design. Additionally, as soon as practical following the completion of the geotechnical investigation, all graded areas will be recontoured and revegetated to pre-existing conditions. Therefore, staff recommends approval of PA04-0013 based on the analysis and recommendation by the Foothill Trabuco Specific Plan Review Board.

RECOMMENDED ACTION:
Planning and Development Services Department/Current Planning Services Division recommends the Planning Commission:

a. Receive staff presentation and public testimony as appropriate; and,

b. Approve PA 04-0013 for geological testing subject to the attached draft resolution and draft findings and conditions of approval.

Respectfully submitted

John B. Buzas, Manager
Current Planning Services

ATTACHMENTS:

Appendix A. Recommended Findings
Appendix B. Recommended Conditions of Approval

EXHIBITS:

Applicant's Project Proposal Summary
1. Foothill/Trabuco Specific Plan Review Board Minutes – March 12, 2004(Planning Commission Only)
2. Proposed Geological Investigation Scope of Work (Planning Commission Only)
3. Biological Resource Assessment (Planning Commission Only)
4. 40-scale Erosion, Sediment Control and Grading Plan (Planning Commission Only)
5. 100-scale site photograph with topographic overlay and geotechnical boring and access road locations (Planning Commission Only)
6. Public Notice

APPEAL INFORMATION:
Any interested person may appeal the decision of the Orange County Planning Commission on this permit to the Board of Supervisors within 15 calendar days of the decision upon submittal of required documents and a filing fee of $760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.